

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Stephen Bain,
Plaintiff

v.

Robert Hofmann,
Vermont Department of Corrections,
Defendants

:
:
:
:
:
:
:
:
:

File No. 1:06-CV-231

ORDER

The Magistrate Judge's Report and Recommendation was filed July 12, 2007 (Paper 16). After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Defendant's motion to dismiss (Paper 14) is GRANTED. All other pending motions (Papers 5, 6, 8 and 12) are DENIED as moot. This case is hereby DISMISSED without prejudice.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 8th day of August, 2007.

/s/ J. Garvan Murtha

J. Garvan Murtha
United States District Judge